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ANGEBRANNDT M EXAMINER

15N2/0713

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ART UNIT	PAPER NUMBER
1506	3

DATE MAILED: 07/13/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 4/13/94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), ____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☐ Claims 1-7 are pending in the application.
   Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-7 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☒ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☒ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

PTOL-326 (Rev. 9-89)

15 The disclosure is objected to because of the following informalities: numerous spelling/grammatical errors, such as "Januari", page 2/line 12; "acceptant", 2/15; "contiuously", 2/16; "treshold", 2/23; "original", 3/23, "zeors", 7/20 also figures are not 1 a and b but are 1a and 1b as labeled on the figures themselves. please review the entire specification for other such errors and correct them in the next response. Appropriate correction is required.

16 Claims 1-7 are rejected under 35 U.S.C. § 112, first paragraph, as the disclosure is enabling only for claims limited to photosensitive lithographic printing plate precursors and these materials being exposed to light(1/29+) and the use of a support for the photosensitive layer, since these materials are not taught to be self-supporting. See M.P.E.P. §§ 706.03(n) and 706.03(z).

17 Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The meaning of "exposing" is unclear if photosensitive materials are not used. What are the materials exposed to ?

18 35 U.S.C. § 101 reads as follows:

> "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent

therefore, subject to the conditions and requirements of this title".

19 Claims 1-6 are provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-6 of copending application Serial No. 08/227073. This is a *provisional* double patenting rejection since the conflicting claims have not in fact been patented.

The only difference is in the substitution of "scan-wise exposing" in the instant claims in place of "image-wise exposing".

20 Claims 1-7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending application Serial No. 08/227073 in view of Saikawa et al. '811 or Peterson '762.

This is a *provisional* obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Saikawa et al. '811 teaches the use of a laser or LED to expose a diffusion transfer which is developed using an alkaline processing solution. Examples of light sources are disclosed. col 1/lines 60-63, hereinafter 1/60-63, 2/32-42 and 2/55-65)

Peterson '762 establishes that it is known to use a laser to form a lithographic printing plate. The process uses a mixture of a diazo composition with nitrocellulose and carbon black. The

carbon black absorbs light converting it heat and heating the nitrocellulose until it combusts, removing it from the support surface.

It would have been obvious to use lasers or LEDs to expose the materials claimed in co-pending application 08/227073, based upon the teachings within the art to expose materials specifically forming lithographic printing plates, such as those provided by Saikawa et al. '811 or Peterson '762.

21 The obviousness-type double patenting rejection is a judicially established doctrine based upon public policy and is primarily intended to prevent prolongation of the patent term by prohibiting claims in a second patent not patentably distinct from claims in a first patent. *In re Vogel*, 164 USPQ 619 (CCPA 1970). A timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. § 1.78(d).

22 The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

23 Claims 1,4,6 and 7 are rejected under 35 U.S.C. § 103 as being unpatentable over either Saikawa et al. '811 or Monbaliu et al. '156, in view of Stoffel et al. (1981).

Monbaliu et al. '156 teaches the use of conventional sources, laser or LEDs for exposing silver diffusion media to form lithographic printing plates. (col 10/line 66-col 11/line 35, hereinafter 10/66-11/35). The processing is described int eh abstract and claims as well as the text.

Stoffel et al. '(1981) teaches various techniques for use in scanning and screening images such as photographs and camera images to produce halftone images which are useful with binary output devices such as lithography. (Page 1898/col 1/paragraphs 1-2). Pages 1907,1908,1915,1916 and tables I & II describe the process of error diffusion and the benefits.

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Stoffel et al. '(1981) in the techniques of producing printing plates disclosed by either Saikawa et al. '811 or Monbaliu et al. '156 with a reasonable expectation of gaining the benefits taught by Stoffel et al. '(1981), based upon the disclosure of Stoffel et al. '(1981) that this technique is applicable to lithography.

24 Claims 1-3 are rejected under 35 U.S.C. § 103 as being unpatentable over either Saikawa et al. '811 or Monbaliu et al. '156, in view of Stoffel et al. (1981) and Conte et al. '298.

Conte et al. '298 teaches the division of the scanned image into matrix sections using a sampler, processing the image through a Hilbert curve which allows preservation of adjacent properties. Any Peano curve may be used for this, but Hilbert curves are best suited for binary information since they are binary based. (4/10-32)

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Stoffel et al. '(1981) in the techniques of producing printing plates disclosed by either Saikawa et al. '811 or Monbaliu et al. '156 with a reasonable expectation of gaining the benefits taught by Stoffel et al. '(1981), based upon the disclosure of Stoffel et al. '(1981) that this technique is applicable to lithography and further it would have been obvious to one skilled in the art to use Peano Curves, such as Hilbert curves, in the resulting scanning process to improve the efficiency of the scanning as taught by Conte et al. '298.

25 Claims 1 and 2 are rejected under 35 U.S.C. § 103 as being unpatentable over either Saikawa et al. '811 or Monbaliu et al. '156, in view of Stoffel et al. (1981) and Zeevi et al. '014.

Zeevi et al. '014 teaches that either a peano or Hilbert pattern are useful in compressing information and establish pattern features without the scanning redundancy of raster type scanning.

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Stoffel et al. '(1981) in the techniques of producing printing plates disclosed by either Saikawa et al. '811 or Monbaliu et al. '156 with a reasonable expectation of gaining the benefits taught by Stoffel et al. '(1981), based upon the disclosure of Stoffel et al. '(1981) that this technique is applicable to lithography and further it would have been obvious to one skilled in the art to use Peano Curves, such as Hilbert curves, in the resulting scanning process to improve the efficiency of the scanning as taught by Zeevi et al. '014.

Claims 1,4,5 and 7 are rejected under 35 U.S.C. § 103 as being unpatentable over Peterson '762, in view of Stoffel et al. '(1981).

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Stoffel et al. '(1981) in the techniques of producing printing plates disclosed by Peterson '762 with a reasonable expectation of gaining the benefits taught by Stoffel

et al. '(1981), based upon the disclosure of Stoffel et al. '(1981) that this technique is applicable to lithography.

27 Claims 1,4,5 and 7 are rejected under 35 U.S.C. § 103 as being unpatentable over Peterson '762, in view of Bowers et al. '841.

Bowers et al. '841 teaches the use of errors diffusion algorithms to process images to be printed. The result is an elimination of image artifacts.

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Bowers et al. '841 in the techniques of producing printing plates disclosed by Peterson '762 with a reasonable expectation of reducing printing artifacts as taught by Bowers et al. '841.

28 Claims 1,4,6 and 7 are rejected under 35 U.S.C. § 103 as being unpatentable over either Saikawa et al. '811 or Monbaliu et al. '156, in view of Bowers et al. '841.

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Bowers et al. '841 in the techniques of producing printing plates disclosed by either Saikawa et al. '811 or Monbaliu et al. '156 with a reasonable expectation of reducing printing artifacts as taught by Bowers et al. '841.

29 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

30 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Angebranndt whose telephone number is (703) 308-4397.

I am normally available between 7:30 AM and 5:00 PM, Monday through Thursday and 7:30 AM and 4:00 PM on alternate Fridays.

If repeated attempts to reach me are unsuccessful, my supervisor may be reached at (703) 308-2417.

Facsimile correspondence should be directed to (703) 305-3596 or (703) 305-3612.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2351.

mja 7/7/94

JANET C. BAXTER
PRIMARY EXAMINER
GROUP 1500